

**Senate Transportation and Safety Committee 1**

**Amendment No. 1 to SB1489**

**Tracy  
Signature of Sponsor**

**AMEND Senate Bill No. 1489\***

**House Bill No. 1782**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, is amended by adding the following new chapter:

**55-54-101.** This chapter shall be known and may be cited as "Lara's Law".

**55-54-102.** For purposes of this chapter:

(1) "Do-not-drive recall" means a recall notice provided to owners of affected vehicles, pursuant to Section 30119 of 49 U.S.C. Chapter 301, when the vehicle manufacturer, in its consumer precautionary advice section governed by 49 CFR Part 577.5, unconditionally instructs the owner to stop driving the vehicle until the noncompliance or defect remedy is performed;

(2) "Manufacturer's safety recall" means a recall conducted pursuant to 49 U.S.C. § 30118 in which a recall notice to owners of affected motor vehicles has been issued, but does not include a do-not-drive recall;

(3) "Motor vehicle" means any self-propelled motor-driven vehicle having a gross vehicle weight rating (GVWR) of ten thousand pounds (10,000 lbs.) or less of the type required to be registered and titled under this title and includes both new and used motor vehicles;

(4) "Motor vehicle dealer" or "dealer" means any person or entity not excluded by § 55-17-102 engaged in the business of selling, offering to sell, soliciting, or advertising the sale of motor vehicles, or possessing motor vehicles for the purpose of resale, either on that person's own account or on behalf of

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another, either as that person's primary business or incidental to that person's business;

(5) "New motor vehicle" means any self-propelled motor-driven vehicle having a gross vehicle weight rating (GVWR) of ten thousand pounds (10,000 lbs.) or less that has never been subject to a sale at retail to the general public;

(6) "Recall database" means a database from which an individual may obtain vehicle identification number (VIN) manufacturer's safety recall information relevant to a specific motor vehicle, including, but not limited to, [www.safercar.gov](http://www.safercar.gov);

(7) "Recall database report" means a report, specific to a vehicle that is identified by its VIN, containing information obtained from a recall database;

(8) "Sale" means the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation, or mortgage in any form, whether by transfer in trust or otherwise, of any motor vehicle, or interest in the motor vehicle, as well as any option, subscription, or other contract, or solicitation looking to a sale, offer, or attempt to sell in any form, whether spoken or written. "Sale" includes a gift or delivery of any motor vehicle with or as a bonus on account of the sale of anything;

(9) "Used motor vehicle" means a motor vehicle having a gross vehicle weight rating (GVWR) of ten thousand pounds (10,000 lbs.) or less that has been the subject of a sale at retail to the general public; and

(10) "Vehicle manufacturer" means a person or entity who manufactures, assembles, or distributes new and unused motor vehicles.

**55-54-103.**

(a) A motor vehicle dealer shall not sell at retail a used motor vehicle until the motor vehicle dealer has obtained a recall database report for the used motor vehicle. The recall database report shall not be older than forty-eight (48) hours prior to the sale of the used motor vehicle.

(b) If a recall database report obtained by a motor vehicle dealer indicates that a used motor vehicle is subject to a do-not-drive recall, the dealer shall not sell the used motor vehicle at retail until the do-not-drive recall repair has been made.

(c)

(1) If a recall database report obtained by a dealer indicates that a used motor vehicle is subject to a manufacturer's safety recall that has not been repaired, the dealer shall not sell the used motor vehicle at retail unless the dealer makes the recall repair or both of the following are satisfied:

(A) The dealer discloses the manufacturer's safety recall by providing a copy of the recall database report to the consumer prior to the sale of the used motor vehicle; and

(B) The consumer signs a disclosure acknowledging that the used motor vehicle has a manufacturer's safety recall that has not been repaired.

(2) To comply with subdivision (c)(1)(B), a recall database report that indicates the used motor vehicle is subject to a manufacturer's safety recall and the recall repair has not been made shall be disclosed to the

consumer in a document that is signed by the consumer and is separate from the conditional sales contract or other motor vehicle purchase agreement.

(3) The recall database disclosure form required by subdivision (c)(2) shall be as follows:

**ATTENTION**

**DISCLOSURE OF RECALL INFORMATION**

**VEHICLE:**    **MAKE:** \_\_\_\_\_ **MODEL:** \_\_\_\_\_  
                  **YEAR:** \_\_\_\_\_ **VIN:** \_\_\_\_\_

For your safety we have performed a recall search on the web site of the National Highway Traffic Safety Administration (NHTSA) ([www.safercar.gov](http://www.safercar.gov)). The results of that search and the date it was performed are attached to this notice.

It is our information that the recall repairs have not been performed.

You must also be aware that the manufacturer of this vehicle may have "campaigns" or "service bulletins" regarding this vehicle that you should check through either [www.safercar.gov](http://www.safercar.gov) or the manufacturer's web site. The NHTSA web site may not be up to date, so you need to periodically check.

**Date:** \_\_\_\_\_

**Customer:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Co-Buyer:** \_\_\_\_\_

Print Name: \_\_\_\_\_

(4) Compliance with this section may not be waived by any consumer.

**55-54-104.**

(a) A violation of this chapter constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18, part 1.

(b) For the purpose of application of the Tennessee Consumer Protection Act of 1977, any violation of this chapter shall constitute an unfair or deceptive act or practice affecting trade or commerce and shall be subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977.

(c) A motor vehicle dealer shall be entitled to rely upon the information provided by the recall database. Compliance with this chapter constitutes compliance with chapter 17, part 1, of this title.

SECTION 2. This act shall take effect January 1, 2017, the public welfare requiring it.